

EXHIBIT 11

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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 SUNIL SUDUNAGUNTA, Individually
12 and on behalf of all others similarly
13 situated,

14 Plaintiff,

15 v.

16 NANTKWEST, INC., PATRICK
17 SOON-SHIONG, RICHARD
18 GOMBERG, BARRY J. SIMON,
19 STEVE GORLIN, MICHAEL D.
20 BLASZYK, HENRY JI, RICHARD
21 KUSSEROW, JOHN T. POTTS, JR.,
22 ROBERT ROSEN, JOHN C.
23 THOMAS JR., MERRILL LYNCH,
PIERCE, FENNER & SMITH, INC.,
CITIGROUP GLOBAL MARKETS
INC., JEFFERIES LLC, PIPER
JAFFRAY & CO., and MLV & CO.,
LLC.,

24 Defendants.

Case No. 16-cv-01947-MWF-JEM

Consolidated with
2:16-cv-3438-MWF-JEM

CLASS ACTION

**DECLARATION OF DONALD HU IN
SUPPORT OF: PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
CERTIFICATION, AND THE PLAN OF
ALLOCATION; AND MOTION FOR AN
AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION
AN PLAINTIFFS' AWARD**

Date: April 29, 2019
Time: 10:00 a.m.
Before: Hon. Michael Fitzgerald
Courtroom: 5A

1 I, Donald Hu, hereby declare as follows:

2 1. I am one of the Court-appointed Class Representatives in the above-
3 captioned action (the "Action"). I submit this declaration in support of: (i) Lead
4 Plaintiff's motion for final approval of the proposed Settlement and approval of the
5 proposed Plan of Allocation; and (ii) Lead Counsel's motion for an award of
6 attorneys' fees and reimbursement of litigation expenses, including request of an
7 award in the amount of \$7500 to me in for my representation of the Class in this
8 Action. I have personal knowledge of the matters set forth in this Declaration, and I
9 could and would testify competently to these matters.
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11 2. I have been involved in the Action since I moved to serve as Lead
12 Plaintiff on May 23, 2016. On June 14, 2016, the Court appointed me to serve as one
13 of the Lead Plaintiffs. On August 13, 2018, the Court certified the Class and
14 appointed me to serve as a Class Representative.
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16 3. I am the Chief Executive Officer of two substantial businesses, JDH
17 Pacific and WH International. JDH Pacific is a global provider of casting, forging,
18 machining, assembly and engineering support services. WH International is a global
19 provider of counterweights for heavy equipment and other purposes.
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21 4. In fulfillment of my responsibilities as Lead Plaintiff and Class
22 Representative in this Action, I have worked with Plaintiffs' Counsel regarding all
23 aspects of the litigation and resolution of this case. I have been in regular contact with
24 Plaintiffs' Counsel to monitor and contribute to the successful prosecution of this
25 Action, and I received regular status reports from Plaintiffs' Counsel on case
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1 developments. I always made myself available to Plaintiffs' Counsel. The various
2 tasks I have performed include, but are not limited to:

3 a. participating in the preparation of the motion and supporting
4 documents to request my appointment as Lead Plaintiff;

5 b. reviewing each of the four amended complaints filed;

6 c. reviewing Defendants' motions to dismiss;

7 d. consulting with counsel regarding discovery, providing
8 information for written discovery responses, and producing documents to fulfill my
9 discovery obligations;

10 e. preparing for my deposition to be taken in connection with
11 Plaintiffs' motion for class certification, including meeting with counsel;

12 f. sitting for my deposition on May 11, 2018 (and traveling from my
13 home in Newport Beach, California to the place of the deposition in downtown Los
14 Angeles, California);

15 g. discussing mediation with Plaintiffs' counsel;

16 h. discussing the proposed settlement with Plaintiffs' Counsel,
17 including evaluating the Settlement Amount, conferring with counsel, and ultimately
18 approving of the Settlement; and

19 i. reviewing the Court's Order Preliminarily Approving the
20 Settlement and discussing issues relevant to the final approval process, including
21 counsel's request for attorneys' fees and expenses, with Plaintiffs' Counsel.

22 5. I have done my best to promote the interests of the Class and to obtain
23 the best recovery possible under the circumstances. Based on my involvement
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1 throughout the prosecution and resolution of the claims asserted in the Action, I
2 believe that the Settlement provides a fair, reasonable, and adequate recovery for the
3 Settlement Class, particularly in light of the risks of continued litigation.

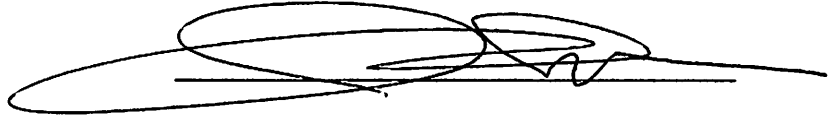
4 6. I understand that reimbursement of a Lead Plaintiff's reasonable costs
5 and expenses is authorized under the PSLRA, including lost wages. I estimate that I
6 have spent approximately 30 hours in performing all of the work I have in this Action
7 for the direct benefit of the Settlement Class, as recounted in paragraph 5, above. If I
8 had otherwise devoted that time to my business activities, I estimate the value of the
9 time that I had dedicated to this Action to be well in excess of \$7,500.
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11 7. While I understand that the ultimate determination of Plaintiffs'
12 Counsel's request for an award of attorneys' fees and litigation expenses rests with the
13 Court, I note that Plaintiffs' Counsel's requested fee of 25% of the Gross Settlement
14 Fund on behalf of Plaintiffs' Counsel is consistent with the retainer agreement
15 between myself and Pomerantz LLP, and I believe that amount to be is fair and
16 reasonable in light of the work performed on behalf of the Settlement Class.
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18 8. In conclusion, I endorse the Settlement as fair, reasonable, and adequate,
19 and I believe that the Settlement represents a significant recovery for the Settlement
20 Class. Accordingly, I respectfully request that the Court approve: (a) Lead Plaintiffs'
21 motion for final approval of the proposed Settlement, certification of the Settlement
22 Class, and approval of the Plan of Allocation; and (b) Lead Plaintiffs' motion for an
23 award of attorneys' fees, reimbursement of litigation expenses, and Plaintiffs' awards.
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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct to the best of my knowledge.

3 Executed this 5th day of April, 2019.
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7 Donald Hu
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